

# Human Rights Documentaries as Representational Practice

## A Narrative and Aesthetic Critique

*Ari Gandsman*

*is assistant professor of sociology and anthropology  
at the University of Ottawa.*

In recent years, human rights film festivals have proliferated across the globe. Often co-sponsored by human rights organizations like Amnesty International or Human Rights Watch, annual festivals devoted to films that focus on human rights issues include the Movies That Matter Film Festival in The Hague, the Flashpoint Human Rights Film Festival in Mumbai and New Delhi, and the One World Film Festival in Prague. While human rights documentaries are not a widely identified subgenre of nonfiction film, they can be situated within a wider tradition of non-fiction filmmaking that engages in social and political issues, motivated by the underlying premise that films can effect change. Human rights documentary are often auto-denominations based on filmmaker intent, political engagement, or topical focus.

Human rights documentaries are part of a larger tradition of human rights work in which collecting and diffusing narratives and visual images occupies a key role. In his analysis of the relationship between human rights and storytelling, James Dawes (2007, 1) writes, “one of the most important premises of contemporary human rights work is that effective dissemination of information can change the world”. Film, one of the most popular global art forms, is a particularly useful tool in the effective dissemination of this information. As Meg McLagan (2006, 191) writes, “in today’s

globally mediated world, visual images play a central role in determining which violences are redeemed and which remain unrecognized. Northern human rights activists understand this fact and, in recent years, have built a formidable transnational communications infrastructure". Human rights documentaries and festivals form part of this infrastructure.

Sharon Sliwinski (2011) argues that this international third-party "spectatorship" is essential for the functioning of human rights in which distant audiences are made aware of faraway abuses through visual images. The spectatorship's visual experience drives the history of human rights because these representations form the basis upon which action is taken. Understanding how representations mobilize ethical appeals is consequently important to understanding how human rights work. In representing abuses, human rights documentaries have adopted a standardized aesthetic and narrative form. A fundamental tension results. Documentaries that expose abuses and confront viewers with injustice need to be morally upsetting in order to mobilize viewers into action. Although human rights documentaries should be disquieting, their aesthetic form ends up conforming to what I will show to be a problematic aesthetic and narrative template at odds with their aims. This article will offer a critique of this dominant representational style through analysis of *China Blue*. Directed by Micha Peled, *China Blue* won an award at the Amnesty International Film Festival in 2005 and screened as part of the prominent Independent Lens series on PBS in the United States in 2007. Elements of *China Blue*'s representational style can be found in other human rights documentaries such as *Anonymously Yours*, *Lost Boys of Sudan*, *Black Gold*, *Dying to Leave*, *Four Years in Hell*, *Sacrifice*, and *Facing Sudan*. *China Blue* will then be contrasted with *Last Train Home*, a 2009 film on the same topic, which adopts a representational style that contrasts sharply with *China Blue*.

My critique of this standard mode of aesthetic and narrative representation in human rights documentaries is based on three inter-related issues. First, although dedicated to a technology of representation that assumes a transparency of visual images, the imposition of external narrative structures results in works where images are forced to fit a pre-existing text rather than vice versa. Although images are meant to "speak for themselves," these films depend on

authoritative voice-over narration and intertitles to explain images. Second, although these documentaries are committed to an aesthetic discourse of visibility in which exposing abuses that are hidden or invisible is seen as a mode of political activism, I will argue that these films in representational terms reproduce inequalities by not revealing their own means of production.

### Text over Images

One of the central premises of the use of video in human rights advocacy is that images substantiate human rights abuses. Underlying this premise is the idea that “seeing is believing.” As Meg McLagan writes, “this axiom underpins the reliance on a kind of documentary visuality that characterizes the new human rights communications infrastructure, with its emphasis on bringing that which is hidden into the light, and its realist insistence on the universal legibility of visual facts” (2006, 192). This “theory of truth and transmission that is premised on two things: *a*) the authenticity of experience (I was there, I witnessed it, therefore it is true, and *b*) a commitment of the gathering and display of visible evidence” (McLagan 2003, 67). The intent of many human rights documentaries is to confront viewers with evidence of abuses. *China Blue* has the explicit intent of exposing “twenty-first century slavery” – exploitation of workers in a Chinese factory producing blue jeans and, by doing so, force consumers to reflect upon their own buying habits. Yet *China Blue* does not provide any critical visual evidence of human rights violations. Instead, human rights violations are announced in intertitles. As one title reveals, “Workers at Lifeng work seven days a week for months at a time. They don’t receive overtime pay or the minimum wage required by law. Such abuses are common in export factories.” The film relies on such titles: “In China, a factory that allowed its workers adequate rest and paid minimum wage would not be able to compete.” Or “The major brands demand such low prices that factories are often forced to violate international labor standards.” When the film shows workers in the factory, they do not substantiate violations without accompanying explanation. In order to illustrate long working days, the film features a sequence of time-lapse factory line production and images of sleepy workers over mournful music.

Part of the challenge, undoubtedly, is how to depict human rights violations that are not based on overt violence but on structural violence and inequality. These invisible forms of violence are not easily amenable to visual documentation. However, in *China Blue*, images do not even always match the explanatory text. For example, as viewers are informed of the facts of rural migration in China, a montage of grainy video images depict Chinese people with luggage walking out of a train station. The text would have viewers believe these are migrant workers leaving rural areas heading to work in factories, but the images do not even match. Although informed migration is comprised mainly of women, accompanying images reveal a balanced gender mix. The prioritization of text over images is also evident in *China Blue*'s extensive use of visual reconstructions. This is a common device in which interviews of victims of human rights violations are edited together with footage to illustrate what is being said. For example, in *China Blue*, the film's protagonist, a young migrant factory worker named Jasmine, recounts her life story directly to camera. Her interview is then intercut with the filmmaker's visual reconstruction of it. For example, when speaking of where she grew up, viewers see images of rural landscapes and green grazing land. If she speaks of taking a bus, viewers see a bus. When she describes how she was forced to leave home to go to work, the film opts for visual metaphors: birds are shown flying from a tree. When she says that China has stepped into a new era with "opportunities awaiting all of us," a bus passes through a tunnel and goes dark, informing viewers she is unaware of what "opportunities" await her.

Instead of presenting unscripted spontaneous footage, the construction of the film's "reality" depends on scripted text. Footage meant to "stand in" for text results in an aesthetically clumsy mix of reconstructions, stock footage, and visual metaphors. In non-fiction filmmaking, reconstructions and reenactments are extensively debated. Although discredited by proponents of observational cinema and cinema vérité in the 1960s, they have undergone a resurgence in recent years and are now "once again taken for granted" (Nichols 2008, 72). While reconstructions can be used for expressive or philosophical ends, this is not the case here. If the truth claims of the filmmakers are based on capturing what they themselves witnessed (human rights violations), such a device un-

dermines their claims. If the truth claims of the filmmakers lie in capturing the testimonies of the victims of human rights abuses, reconstructions are superfluous aesthetic adornment. At the same time, they invert the relationship between image and text and undermine the human rights axiom of “seeing is believing.” Images departing from text results in a strained effort to create a one-to-one visual relationship with words.

### The Coming of Age Narrative

The goal of interview-based approaches is to create empathy for film subjects. Two assumptions underlie this approach: telling stories of victims of human rights abuse cultivates audience identification with victims and this identification leads viewers to embrace the film’s cause. As Richard Rorty (1991) argued, human rights work through the mobilization of empathetic appeals via “sad and sentimental stories.” Yet whose story is being told? The narrative in *China Blue* is more the product of the filmmaker’s concerns than that of the film’s subjects. In *China Blue*, Jasmine, the film’s protagonist, was chosen because she fit the filmmaker’s pre-existing narrative. To quote Peled, “My idea from the start was to feature a new worker, a girl who has just arrived from the village on her first day at work, as the protagonist. She’d be naïve, excited, and as clueless as the viewers regarding what’s about to unfold” (Independent Lens 2007). The character is conduit of the filmmaker’s concerns.

While documentaries have indexical relationships with the “truth,” rather than reveal or even construct truths, *China Blue*’s “truths” are built into its preexisting narrative structure. Like similar documentaries, *China Blue* uses an archetypal coming of age narrative, a “loss of innocence” charting the initiation of Jasmine into a system of exploitation. “You are new here. There is a lot you do not know,” she is told. While Jasmine is unaware of what awaits her, viewers are not. Peled’s claim that viewers are equally “clueless” as to what will unfold is a strange one. Little dramatic tension exists watching a film about sweatshops in China in “discovering” that factory workers are exploited. In any case, the film’s use of dramatic foreshadowing makes its position clear from the start by introducing the factory and its title credits (“*China Blue*”) with the closing of factory gates over ominous music: this factory is a prison. The audience’s starting point into the film’s narrative is the charac-

ter's end point. While viewers can easily foresee the film's narrative trajectory, Jasmine's discovery of what viewers already know mitigates the lack of dramatic tension. For viewers, any narrative satisfaction derived from the film is found how it confirms a preexisting worldview of sweatshops as places of human misery.

This "loss of innocence" narrative is historically linked to human rights. As Joseph Slaughter (2007, 3) has shown, a close relationship exists between human rights and the *Bildungsroman*, the genre of coming-of-age novel that appeared at the end of the eighteenth century in (echoed in *China Blue*) "whose plot we could provisionally gloss as the didactic story of an individual who is socialized in the process of learning for oneself what everyone else (including the reader) presumably already knows." Although audiences are ostensibly meant to respond to *China Blue* with empathy, this dramatic structure makes empathy more difficult since it distances viewers from the characters by giving them knowledge that the characters lack. Rather than create a point of entry into the life worlds of the film's subjects, this dramatic structure creates cognitive distance more conducive to pity in which the film can be viewed from a safe and distant remove. This contradicts the film's explicit intent, which is to show how Western consumer habits are linked to systems of exploitation. This narrative structure represents what theorist and filmmaker David MacDougall (1998, 163) has called a "transmission of prior knowledge." Instead, he argues filmmakers "need to approach filming instead as a way of creating the circumstances in which new knowledge can take us by surprise." One of the ways in which MacDougall argues for this is through the use of self-reflexivity.

### **Lack of Reflexivity**

Content is not unrelated to form. Films such as *China Blue* not only create distance through imposition of external narrative structures but through a filmmaking style in which the filmmaker's presence is unacknowledged by film subjects. This style aesthetically reproduces global inequalities that such films attempt to bridge. Spatial and temporal divisions between filmmakers and film subjects are specifically reinforced through a lack of reflexivity. Reflexivity here does not simply refer to inclusion of the filmmaker in the film but refers to the way in which the film reveals aspects of the film-



making process (how they captured what they captured) in the final product. As Jay Ruby (2000, 155) describes it, "To be reflexive is not only to be self-conscious but to be sufficiently self-conscious to know what aspects of the self must be revealed to an audience to enable them to understand the process employed as well as the resultant product."

A lack of reflexivity creates an intrinsic tension in films like *China Blue*. On one hand, they are committed to a discourse of visibility. They wish to render visible processes of exploitation that are largely hidden from the eyes of Western consumers when purchasing goods. Yet, at the same time, in terms of representation, these films reproduce what they critique by lacking transparency on their filmmaking processes. By not depicting relationships between filmmaker and filmed subjects, they hide their own mode of production. Filmmakers become phantom presences in films where all between filmmakers and film subjects are eliminated. Editing processes scrupulously remove all traces of them from final products. Questions that elicit interview responses are eliminated. Viewers see monologues instead of conversations. By not revealing their presence, as Elliot Weinberger (1994, 12) has observed, "the ideal, then, is either a dream of invisibility, or worse, the practice of the surveillance camera."

Although *China Blue* does not reveal its filmmaking process, its director has spoken at length in various interviews about making the film. Saying the hardest part was gaining access to a factory, he describes how he finally tricked a factory owner into by telling him he was making a film about first generation entrepreneurs in China (Independent Lens 2007). By using deceit, he filmed without government permits. This not only placed the factory owner at risk of being in trouble with authorities for cooperating with unauthorized foreign media but also the workers. He recounts how he initially filmed another young girl working at the factory (a further example how interchangeable the characters are within the filmmaker's pre-existing narrative template) before being caught by police while filming in her home village. His footage confiscated, he had to restart. Whether such methods are justified or not is not the only question. Since workers were instructed by an exploitative factory owner to cooperate with the filmmakers, how did they view the foreigners filming them? Not only were they presumably not remu-

nerated for their participation in the film, the filmmakers were likely perceived no differently from the factory owner (the film's buffoonish villain) who instructed their cooperation. The camera's invisible "fly on the wall" approach would make the filmmaking process indistinguishable from the factory's elaborate video surveillance system that the boss proudly shows off in the film to boast how he monitors his workers to keep them productive. Although the film's positive political intent ostensibly justify whatever measures taken to gain its footage, one can wonder if this is true if it includes possible risks to and exploitation of the film's already vulnerable subjects.

Failure to incorporate the filmmaking process into the film raises serious ethical questions in films about vulnerable populations. How did filmmakers gain access to their subjects? Under what conditions were the films made? Why should viewers assume filmmakers' relationship with their subjects is any less exploitative than the ones documented in their films? Even if exploitation should not be a concern since filmmakers' political allegiances lie with its subjects, a lack of reflexivity enhances distance between filmmakers and film subjects. They are once again not shown to occupy the same worlds.

### **Last Train Home**

If *China Blue* represents a problematic representative style for human rights documentaries, *Last Train Home* is its counterpoint. Depicting the same topic, Chinese rural migrant laborers working in exploitative factories, *Last Train Home* avoids the representational problems identified above. While less explicitly concerned with human rights violations (the film's avowed purpose is not to expose human rights violations or change consumer habits), the film is an example of a representational style that, despite being consequently less didactic, is far more successful in achieving the aims of human rights storytelling: reducing distance between audience and film subject and constructing empathy with victims of abuses.

At an aesthetic level, *Last Train Home* features an extremely minimal use of titles and music, no voiceover narration, no "talking heads" interviews, and no authoritative explanations. Its use of titles is limited to its opening description of Chinese migrant laborers, "the largest human migration in the world." However, rather than images following text, *Last Train Home* forces viewers to piece together the narrative based on what they see: the daily lives of



husband and wife migrant workers and the family that they left behind. Rather than relying on intertitles, voice-over narration, or reconstructions, viewers enter the film through naturalistic interactions between film subjects. As a result, the narrative feels less shaped by the filmmaker's agenda and interventions than by the characters' concerns. For example, the film's opening shows a group of people eating. "There won't be any tickets at the station," one says. "Are you sure?" asks another. "Well, you might find standing room tickets." Viewers eventually understand that they are migrant workers speaking of the difficulty of finding train tickets during the country's busiest travel time, Chinese New Year. Rather than the filmmaker's concerns, the characters' concerns are central – their desire to go home during the holiday. The film's immediate narrative question – will they make it home or not? – is not one that viewers already know. However, the film eschews expectations as the *Last Train Home* shifts into a story of family disintegration. Audiences see the social consequence of migration's dislocated parenthood and the consequences of the pressures migrant workers put on their children to succeed at school so that they can break out of cycles of poverty. Parents work in exploitative factories in order for their children to have a better life only to find that their absence has triggered the breakdown of familial order.

If the film's narrative eschews expectations, its approach makes viewers work to construct meaning. The difference between *Last Train Home* and *China Blue* is, as Colin Young (2003, 103) observed about the difference between classical didactic educational films and the New Wave cinema of the 1960s, "the difference between TELLING a story and SHOWING us something." While classical didactic education films rely on explanatory texts, heavy-handed messages and authoritative voiceover to impart meaning, films like *Last Train Home* rely on images and on the audiences to construct meaning based on what they see. *Last Train Home* does not tell viewers its characters work in a sweatshop; the camera shows them working in a factory and then lingers on one box as workers haul them off to be shipped: "Made in China," it says. By forcing viewers to construct meaning, they become active participants in the film. What viewers see is not shown through the filmmaker's overt intervention or discernible agenda. Interviews are conversa-

tional – the interview subject is in the midst of their daily activities while speaking to the camera.

*Last Train Home's* lack of reflexivity would appear at first glance to make it indistinguishable from *China Blue*. The film uses the observational style pioneered by Frederick Wiseman that features neither commentary nor filmmaker interventions. The camera is an invisible presence; filmmakers are unacknowledged. However, as the film develops, overt reflexivity becomes unnecessary to reveal the relationship between filmmakers and subjects. The final product reveals traces of the filmmakers' intimate presence in the lives of the film's subjects in a way that is not evident in *China Blue*. One can easily observe that director Lixin Fan was able to gain access into the lives of this family. Without trust between filmmaker and subject, the film would not have been able to capture its intimate familial scenes. Only close participation between filmmaker and film subjects could lead to it documenting its small-scale human tragedy, less the agenda of the filmmakers but the concerns and daily life struggles of one family – their hopes and aspirations while living under exploitative conditions. As a result, unlike *China Blue*, the characters are not conduits of the filmmakers' agenda nor are they reduced to archetypes. The parents are loving but flawed – tragically so – as their passive aggressive parenthood backfires when their daughter leaves home to become a factory worker just like them. They work as migrant laborers so she can avoid their fate; however, a consequence of the separation that this requires is that she drops out of school and ends up following their path. In telling this story, viewers can relate to both characters and situations, thus creating ideal conditions for empathy.

More importantly, even if the film stays in observational mode, the camera acts as direct participant in the action. In the film's climactic sequence (one that lasts twelve minutes), parents attempt to return home with their errant daughter amid chaos at the train station caused by cancellations. The camera stays close to the family in the midst of a confused mob scene in the overcrowded station. The camera is in the middle of the action, not passively observing the scene from a safe distance. Jostled by the crowd and corralled by police and army attempting to maintain order, the camera is not a privileged distant observer. Subsequently, the audience is not as well. Following the film's narrative strategy, the audience does not

know what is happening and only are provided information as characters are. Audiences are no longer at a remove but up close with the family. In this sense, the film represents a triumph of the human rights documentary, one that is able to bring home the lived experience of human rights violations to its audience. If human rights documentaries are built around collapsing distances between people and in constructing empathy, *Last Train Home* provides a superior ethical and aesthetic representation. Human rights documentaries are still in their infancy. A problem is that many are committed to outmoded forms of non-fictional representation using a didactic educational mode that can work against the films' aims. Paradoxically, a film committed to a less interventionist, purely observational mode of filmmaking works better as a human rights documentary. If the human rights documentary is to achieve its goals, new forms of representation will need to be found that do not reinforce divisions between audiences and film subjects. *Last Train Home* is a step in that direction.

## References

- China Blue*. 2005. Directed by Micha X. Peled. San Francisco: Teddy Bear Films.
- Dawes, J. 2007. *That the World May Know: Bearing Witness to Atrocity*. Cambridge, MA: Harvard University Press.
- Independent Lens. 2007. "Filmmaker." Accessed July 19, 2012. <http://www.pbs.org/independentlens/chinablue/qa.html>.
- Last Train Home*. 2009. Directed by Lixin Fan. Montreal: EyeSteel-Film.
- MacDougall, D. *Transcultural Cinema*. Princeton: Princeton University Press. 1998.
- McLagan, M. 2003. "Principles, Publicity and Politics: Notes on Human Rights Media." *American Anthropologist* 105 (3): 605-612.
- McLagan, M. 2006. "Technologies of Witnessing: The Visual Culture of Human Rights – Introduction: Making Human Rights Claims Public." *American Anthropologist* 108 (1): 191-195.
- Nichols, B. 2008. "Documentary Reenactment and the Fantasmatic Subject." *Critical Inquiry* 35 (1): 72-89.
- Rorty, R. 1991. "Human Rights, Rationality, and Sentimentality." In *On Human Rights: The Oxford Amnesty Lectures*, edited by S. Shute & S. Hurley, 111-34. New York: Basic Books.

- Ruby, J. 2000. *Picturing Culture: Explorations of Film & Anthropology*. Chicago: University of Chicago Press.
- Slaughter, J. 2007. *Human Rights, Inc: The World Novel, Narrative Form, and International Law*. New York: Fordham University Press.
- Sliwinski, S. 2011. *Human Rights in Camera*. Chicago: University of Chicago Press.
- Weinberg, E. 1994. "The Camera People," in *Visualizing Theory: Selected Essays from VAR, 1990-1994*, edited by L. Taylor, 3-26. New York: Routledge.
- Young, C. 2003. "Observational Cinema" in *Principles of Visual Anthropology*, edited by P. Hockings, 99-113. New York: de Gruyter.